

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katelyn Williams	Team: Team # 3	CCRB Case #: 200901201	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/23/2009 12:16 AM	Location of Incident: § 87(2)(b) in Mount Vernon, New York, and inside the 47th Precinct stationhouse	Precinct: 47	18 Mo. SOL 7/23/2010	EO SOL 7/23/2010	
Date/Time CV Reported Mon, 01/26/2009 3:22 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/26/2009 3:22 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Roda	01234	939332	047 PCT
2. SGT Michael Milmore	04059	895742	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Amanjeet Sandhu	04523	931138	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Milmore	Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York and inside the 47th Precinct stationhouse in the Bronx.	
B.SGT Michael Milmore	Abuse: Sergeant Michael Milmore entered and searched § 87(2)(b) in Mount Vernon, New York.	
C.POM Robert Roda	Abuse: Police Officer Robert Roda entered § 87(2)(b) in Mount Vernon, New York.	
D.SGT Michael Milmore	Abuse: Sergeant Michael Milmore threatened to arrest § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.	
E.SGT Michael Milmore	Abuse: Sergeant Michael Milmore threatened to use force against § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.	
F.SGT Michael Milmore	Force: Sergeant Michael Milmore pointed his gun at § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.	
G.SGT Michael Milmore	Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.	
H.SGT Michael Milmore	Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) inside the 47th Precinct stationhouse in the Bronx.	

Officer(s)	Allegation	Investigator Recommendation
I.SGT Michael Milmore	Abuse: Sergeant Michael Milmore threatened to arrest § 87(2)(b) and § 87(2)(b) inside the 47th Precinct stationhouse in the Bronx.	

Case Summary

§ 87(2)(b) filed a complaint with CCRB via telephone on January 26, 2009 (Encl. 4A-C).
§ 87(2)(b) did not witness this incident, but filed the complaint on behalf of § 87(2)(b) and
§ 87(2)(b)

At approximately 12:16AM on January 23, 2009, Sgt. Michael Milmore and PO Robert Roda entered § 87(2)(b) in Mount Vernon, NY and arrested § 87(2)(b) § 87(2)(b).
§ 87(2)(b) was charged with § 87(2)(b).
§ 87(2)(b) The following allegations resulted from the officers' actions:

- **Allegation A- Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) at § 87(2)(b) in Mount Vernon, New York and inside the 47th Precinct stationhouse in the Bronx.**
- **Allegation B- Abuse of Authority: Sergeant Michael Milmore entered and searched § 87(2)(b) in Mount Vernon, New York.**
§ 87(2)(g)
- **Allegation C- Abuse of Authority: Police Officer Robert Roda entered § 87(2)(b) in Mount Vernon, New York.**
§ 87(2)(g)
- **Allegation D- Abuse of Authority: Sergeant Michael Milmore threatened to arrest § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.**
- **Allegation E- Abuse of Authority: Sergeant Michael Milmore threatened to use force against § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.**
- **Allegation F- Force: Sergeant Michael Milmore pointed his gun at § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.**
- **Allegation G- Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.**
- **Allegation H- Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) inside the 47th Precinct stationhouse in the Bronx.**
- **Allegation I: Sergeant Michael Milmore threatened to arrest § 87(2)(b) and § 87(2)(b) inside the 47th Precinct stationhouse in the Bronx.**
§ 87(2)(g)

§ 87(2)(b) indicated that she interacted with officers inside the 47th Precinct stationhouse on January 23, 2009, and that an officer told her to leave the stationhouse or he would escort her out.
§ 87(2)(g)

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- D.O.B.: § 87(2)(b), black female, 5'5" tall, 122 pounds, brown hair and brown eyes. § 87(2)(b)

Notice of Claim

§ 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) provided a written statement to the Claim Examiner on § 87(2)(b) (Encl. 6A). She stated that she was filing a claim against the 47th Precinct due to an illegal search that occurred at approximately 12:00AM on January 23, 2009. She further stated that her personal property was ransacked and sought through unlawfully. She indicated that she was in the midst of a high risk pregnancy at the time, and that she was violated, disrespected and put through a tremendous amount of stress.

Telephone Statement/CCRB Statement

§ 87(2)(b) provided a telephone statement to the CCRB on February 9, 2009 (Encl. 7A). She was interviewed at the CCRB on February 11, 2009 (Encl. 8A-E). § 87(2)(g)

§ 87(2)(b) stated that at approximately 12:00AM on January 23, 2009, she and her boyfriend, § 87(2)(b) were in bed getting ready to go to sleep. § 87(2)(b) had arrived home from the store about ten to fifteen minutes earlier, and he told § 87(2)(b) he thought police officers had been following him. A few minutes later, someone began banging on their front door. § 87(2)(b) went upstairs, opened the door and saw one officer in plainclothes standing on her porch. This officer was identified by the CCRB as Sgt. Michael Milmore of the NYPD. There were a few Mount Vernon officers standing behind Sgt. Milmore, along with another officer in plainclothes. The other officer in plainclothes later identified himself as PO Robert Roda of the NYPD.

Sgt. Milmore asked § 87(2)(b) "Where is he?" When she asked who he was referring to, he told her he was looking for a Hispanic male who was 6'1" or 6'2" tall. § 87(2)(b) told him that there was no one in her home who fit that description. When § 87(2)(b) asked why the officers were looking for this individual, Sgt. Milmore responded, "He almost fucking killed me." He explained that he saw the individual with a gun around his waist and that the individual sped away when the officers tried to stop him.

Sgt. Milmore told § 87(2)(b) that he wanted to enter her home and check to make sure the male wasn't there. She told him he could not enter her home without a warrant. One of the Mount Vernon officers touched § 87(2)(b)'s car in the driveway and stated, "Oh, the car is hot."

Sgt. Milmore stated, "He's here." § 87(2)(b) continued to tell Sgt. Milmore that he could not enter her house without a warrant, but he responded, "I can do whatever the fuck I want." He then stepped around her and into the apartment. The rest of the officers followed him inside. § 87(2)(b) followed the officers back into the apartment. Sgt. Milmore kept asking her where her boyfriend was, and stated, "If you don't tell me where he's at right now, I'm going to arrest you and I'm going to take your car."

§ 87(2)(b) continued to ask him why the officers were there, and Sgt. Milmore told her, "You need to tell me where he's at now or I'll start shooting." § 87(2)(b) panicked, and Sgt. Milmore told one of the Mount Vernon Police officers to restrain her. The officer pressed her against the wall and held her hands behind her back.

Sgt. Milmore then opened the door to the bedroom where § 87(2)(b) was. When he saw § 87(2)(b) whose hands were already up in the air, Sgt. Milmore pulled out his gun. None of the other officers drew their guns. Another officer, who § 87(2)(b) believes was a Mount Vernon Police officer, stated, "Taser his ass. Electrocute him."

The officers escorted § 87(2)(b) out of the apartment, and Sgt. Milmore and a Mount Vernon Police officer then began searching the apartment. § 87(2)(b) believes PO Roda also participated in the search, but she was not sure. She saw Sgt. Milmore and the Mount Vernon officer go in her bedroom and could hear the drawers opening. The officers found a gun in the bedroom where § 87(2)(b) had been, but § 87(2)(b) did not know exactly where in the room they found it or what kind of gun it was. § 87(2)(b) stated that she was not aware of any gun being in the house. When he was leaving the house, Sgt. Milmore took the keys to § 87(2)(b)'s car and told her he was taking her car as evidence.

§ 87(2)(b)'s older brother, § 87(2)(b) and § 87(2)(b)'s friend, § 87(2)(b) went to the 47th Precinct stationhouse to check on § 87(2)(b)'s status. § 87(2)(b) saw Sgt. Milmore in the stationhouse. She approached him and asked when she was going to get her car back. He responded, "You're a fucking liar. I don't care. You'll get it when you get it." § 87(2)(b) asked Sgt. Milmore if § 87(2)(b) was in the stationhouse. Sgt. Milmore told him, "He's arrested for a fucking gun charge." § 87(2)(b) asked Sgt. Milmore not to use that kind of language with him, to which Sgt. Milmore responded, "You know what? If you don't fucking like it, get the fuck out of my precinct. As a matter of fact, if you're not out of here in five minutes, I'm gonna arrest your fucking ass."

A few days later, § 87(2)(b)'s arresting officer, PO Robert Roda, came to § 87(2)(b)'s home and informed her that she could pick up her car from the stationhouse. PO Roda provided § 87(2)(b) with Sgt. Milmore's name.

Victim: § 87(2)(b)

- **D.O.B.:** § 87(2)(b), *black male, 6'3" tall, 200 pounds, black hair, brown eyes.*

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on February 11, 2009 (Encl. 5A-E). He stated that approximately 12:00AM on January 23, 2009, he was leaving a convenience store on the corner of Baychester Avenue and 241st Street in the Bronx when he noticed a dark blue town car sitting in the middle of the road. At the time, § 87(2)(b) did not know this was a police vehicle.

Upon exiting the store, § 87(2)(b) looked through his pockets for his keys, then got in his car and started driving back to his home at § 87(2)(b). After he pulled out and started driving away, he noticed that the dark blue town car did not take his parking spot, as he thought it would. After § 87(2)(b) had driven about a mile-and-a-half, he noticed that the blue town car was behind him and had turned on its sirens. § 87(2)(b) panicked because he was driving with a suspended license, so he sped up. He was going about fifty miles-per-hour. The town car continued following him, but he was able to lose it about four blocks away from § 87(2)(b).

§ 87(2)(b) sat in his vehicle for about twenty minutes after arriving home, and he saw the blue town car drive down his block. § 87(2)(b) went inside his house and explained to § 87(2)(b) what had happened. He then got into his pajamas and went to bed.

A few minutes later, there was a banging on the front door. § 87(2)(b) answered the door to the officers, who asked her if the car in the driveway was hers. They said they were looking for a Hispanic male, and she told them she did not know who they were talking about. The officers touched the hood of the vehicle and stated, "It's still hot; he has to be here." Although he could hear them, § 87(2)(b) could not actually see what the officers were doing because he was in the bedroom with the door closed.

However, after a few minutes, the bedroom door opened and three officers stepped inside with their flashlights shining on § 87(2)(b). One of the officers was dressed in plainclothes and had his gun pointed at § 87(2)(b). The other two were in dark blue uniforms and appeared to be Mount Vernon Police officers. The officers yelled, "Police! Put your hands up! Come out!"

§ 87(2)(b) later informed § 87(2)(b) that the officer in plainclothes who pointed his gun at him was Sgt. Michael Milmore of the NYPD. When § 87(2)(b) asked the officers why they were there, Sgt. Milmore stated, “Just come out, you know what the fuck you did. Come out with your fucking hands up now or I’m gonna shoot.” One of the Mount Vernon officers told § 87(2)(b) “I’m gonna taser you.” § 87(2)(b) put his hands up and walked out of the room backwards. Another officer in plainclothes placed him in handcuffs. This officer later told § 87(2)(b) that he was PO Robert Roda of the NYPD.

When he was brought out of the bedroom, § 87(2)(b) saw that there were eight to ten officers inside his basement apartment. § 87(2)(b) believes that aside from Sgt. Milmore and PO Roda, all of the other officers were in Mount Vernon Police uniforms. One of the Mount Vernon officers was holding § 87(2)(b)’s arms behind her back and pressing her face-first into the corner. § 87(2)(b) was asking the officers, “Why are you searching the house? Don’t you need a warrant to be here?” Sgt. Milmore responded, “I can do whatever the fuck I want.”

Sgt. Milmore and a Mount Vernon officer began searching § 87(2)(b)’s bedroom. Sgt. Milmore looked in all of the drawers of § 87(2)(b)’s dresser, under the bed and chair, under the coffee table, and in the hamper. He then flipped up the mattress, but did not find anything. They then moved to the living room and bathroom, and searched the closet and other storage spaces. Other than Sgt. Milmore and the Mount Vernon officer, § 87(2)(b) did not see any other officer participate in the search.

When § 87(2)(b) told Sgt. Milmore he wasn’t supposed to be searching the house without a warrant, Sgt. Milmore repeated, “I can do whatever the fuck I want to do.” About ten minutes later, the officers brought § 87(2)(b) outside and placed him in an unmarked silver town car. § 87(2)(b) was in the RMP for about ten minutes when Sgt. Milmore came out of the house with a blue bag and a handgun stating, “We found it.” PO Roda transported § 87(2)(b) to the 47th Precinct stationhouse.

§ 87(2)(b) stated that the report from his arraignment noted that the officers found the handgun three feet away from where he was in his bedroom. § 87(2)(b) stated that the gun (a 38 caliber handgun) was kept in the bedroom for protection. He explained that someone broke into § 87(2)(b)’s home before § 87(2)(b) was around. This individual was recently released from prison, and § 87(2)(b) was afraid he would try to break in again. § 87(2)(b) did not handle the gun on the date of this incident, and he did not have any kind of weapon on him when he went out to the convenience store.

Attempts to Obtain Civilian Statements

§ 87(2)(b)

Contact Attempts

The undersigned investigator called § 87(2)(b) on June 10, 2009, and an in-person interview was scheduled for June 15, 2009. A letter was sent to his home on the same date. The June 15, 2009 interview had to be cancelled due to illness. The undersigned investigator called § 87(2)(b) on June 16, 2009 and another interview was scheduled for June 18, 2009. However, § 87(2)(b) did not appear at the CCRB on June 18, 2009 for his previously scheduled interview, nor did he call to cancel or reschedule. As of the writing of this report, § 87(2)(b) has not contacted the CCRB.

Telephone Statement

§ 87(2)(b) provided a brief telephone statement to the CCRB on June 10, 2009 (Encl. 9A). He stated that at approximately 1:30AM on January 23, 2009, he went to the 47th Precinct stationhouse with § 87(2)(b) and § 87(2)(b). § 87(2)(b) approached an unidentified male officer in plainclothes inside the stationhouse and asked for the status of § 87(2)(b)’s arrest. The officer asked § 87(2)(b) for his ID and told him to wait while he inquired about § 87(2)(b).

The officer returned and told § 87(2)(b) that § 87(2)(b) was being charged with possession of a gun. When § 87(2)(b) inquired further, another officer, identified by the CCRB as Sgt. Michael Milmore, told § 87(2)(b) "Your brother almost got me fucking killed, and that's all the information we are going to give you." § 87(2)(b) told Sgt. Milmore he was trying to gather information for his mother, but Sgt. Milmore told him, "Get out of my fucking police department before I arrest you for trespassing."

Another unidentified officer, a white male in uniform, also told § 87(2)(b) to get out of the "fucking" stationhouse. Multiple other officers joined in and were yelling at § 87(2)(b) and § 87(2)(b) to get out. They then left the stationhouse of their own accord.

§ 87(2)(b)

Contact Attempts

The undersigned investigator called § 87(2)(b) on June 16, 2009, at which time she provided a brief telephone statement. § 87(2)(b) was unsure when she could appear at the CCRB to provide an in-person statement. The undersigned investigator called her four more times between June 17, 2009 and December 22, 2009 and left three messages on her voicemail. Two letters were sent to her home on June 16, 2009 and on July 16, 2009. The undersigned investigator spoke with § 87(2)(b) on December 23, 2009, at which time she stated that she was still interested in proceeding with this investigation, but that her work schedule would not permit her to come to the CCRB. § 87(2)(b) stated that she would mail a notarized written statement to the CCRB. The undersigned investigator informed her that her statement would have to be received by January 3, 2010. As of the writing of this report, the CCRB has not received a written statement from § 87(2)(b).

Telephone Statement

§ 87(2)(b) provided a brief telephone statement to the CCRB on June 16, 2009 (Encl. 10A). She stated that on January 23, 2009, she went to the 47th Precinct stationhouse with § 87(2)(b) and another individual, identified by the CCRB as § 87(2)(b) to inquire about § 87(2)(b)'s boyfriend, § 87(2)(b) who had been arrested. They also inquired about § 87(2)(b)'s vehicle, which was confiscated by the police when § 87(2)(b) was arrested.

When they arrived at the stationhouse, § 87(2)(b) approached an officer, identified by the CCRB as Sgt. Michael Milmore, and asked if she could get her car back. Sgt. Milmore told § 87(2)(b) that she could not have her car back. When she asked why not, he responded, "Because I fucking said so." § 87(2)(b) just walked away and sat down in the chairs right by the door with § 87(2)(b).

§ 87(2)(b) approached Sgt. Milmore to inquire about § 87(2)(b). Sgt. Milmore told § 87(2)(b) "You need to shut the fuck up." § 87(2)(b) asked Sgt. Milmore to speak to him like a normal human being, but Sgt. Milmore continued cursing at him. § 87(2)(b) remained calm and did not yell or curse at Sgt. Milmore. § 87(2)(b) told Sgt. Milmore he was just trying to find out what was going on with his brother. Sgt. Milmore then yelled at all three of them, telling them that they needed to get out of the stationhouse before he had them all arrested.

An unidentified officer escorted § 87(2)(b) and § 87(2)(b) out of the stationhouse, but he did not make any physical contact with them in doing so.

NYPD Statements:

Subject Officer: PO ROBERT RODA

- *D.O.B.: § 87(2)(b), white male, 5'7" tall, 175 pounds, brown hair, hazel eyes.*
- *PO Roda worked from 5:30PM on January 22, 2009 until 2:05AM on January 23, 2009. He was dressed in plainclothes and was assigned to Anti-Crime with Sgt. Michael Milmore. Although PO Daniel Beddows was listed on the roll call as working with PO Roda and Sgt. Milmore, PO Roda stated that he was not working in their vehicle on that date. PO Roda and Sgt. Milmore were using unmarked RMP #§ 87(2)(b) which is a blue, four-door Crown Victoria.*

Criminal Complaint Report/OLBS Worksheet

PO Roda prepared the Criminal Complaint Report (Encl. 11A-B) and OLBS Worksheet (Encl. 12A-B) for this incident. The reports both included the same narrative, which indicated that at 11:51PM on January 22, 2009, § 87(2)(b) was in possession of a loaded firearm on the corner of East 241st Street and Baychester Avenue in the Bronx. § 87(2)(b) was arrested at 12:16AM on January 23, 2009 and was charged with § 87(2)(a) 160.50

§ 87(2)(b) and § 87(2)(b)

The OLBS Worksheet indicates that § 87(2)(b) had a semiautomatic pistol that was silver in color.

Memo Book

PO Roda noted in his memo book (Encl. 13A-B) that at 11:50PM on January 22, 2009, he observed a male with a firearm in his waistband. When he tried to stop the male's vehicle, a car pursuit ensued. At 12:16AM on January 23, 2009, PO Roda arrested this individual at § 87(2)(b) in Mount Vernon, NY. The defendant at first refused to provide his pedigree information, but later provided it at the 47th Precinct stationhouse.

CCRB Statement

PO Robert Roda was interviewed at the CCRB on March 26, 2009 (Encl. 14A-C). He stated that at approximately 11:50PM on January 22, 2009, he and Sgt. Milmore (who was driving) were stopped at the intersection of Baychester Avenue and East 241st Street in the Bronx when he observed a black male, identified by the CCRB as § 87(2)(b) standing on the sidewalk in front of a bodega. PO Roda approximated that he was about forty or fifty feet away from § 87(2)(b) who was standing directly under a streetlight. Nothing was obstructing his view of § 87(2)(b)

PO Roda observed § 87(2)(b) lift his sweatshirt, pull a silver gun out of the front of his waistband and tuck it back in. He then pulled his sweatshirt over his waistband and got into the driver's seat of a dark blue, four-door Volkswagen Jetta. As § 87(2)(b) pulled away, Sgt. Milmore pulled up behind him and the officers ran his license plate. After about a block-and-a-half of following him, the officers put their sirens on and attempted to pull him over. When they did so, § 87(2)(b) sped up and tried to get away from them. PO Roda went over the radio and stated that an attempted vehicle stop turned into a relatively high-speed car chase. He continued to provide their location as the chase ensued. As they moved toward Mount Vernon, the dispatcher alerted the Mount Vernon Police of the situation.

After about ten or fifteen blocks, § 87(2)(b) was able to lose Sgt. Milmore and PO Roda, so the officers decided to go to the address they got when they ran the license plate, which was § 87(2)(b) in Mount Vernon. They arrived at the address two or three minutes later and saw the dark blue Volkswagen Jetta parked in the driveway. There were Mount Vernon officers at the location when they arrived, but PO Roda and Sgt. Milmore were the only NYPD officers present.

Sgt. Milmore approached the front door of the home, and PO Roda and multiple Mount Vernon officers were behind him. A female, identified by the CCRB as § 87(2)(b) opened the door. Sgt. Milmore asked § 87(2)(b) who was just driving the vehicle that was parked in the

driveway, and she stated that it was her vehicle and no one had been driving it. Sgt. Milmore then asked § 87(2)(b) who else was in the house with her. She told him that no one was. When he asked if she was sure, she stated, “No, you can check.” She then opened the door to the location and stepped aside so that the officers could enter.

PO Roda believes Sgt. Milmore stepped into the house first, but he was not sure. PO Roda and the other officers followed him inside. PO Roda stated that they entered into a basement apartment with one bedroom and a bathroom. Sgt. Milmore entered the bedroom, and PO Roda entered just behind him. PO Roda did not have his gun drawn when he entered the bedroom, and he did not believe Sgt. Milmore did either. He stated that the officers were yelling for § 87(2)(b) to put his hands up, but that no one stated, “Just come out. You know what the fuck you did. Come out with your fucking hands up now, or I’m gonna shoot.”

When they entered the room, PO Roda saw § 87(2)(b) lying between the mattress and the wall, trying to hide from the officers. § 87(2)(b) initially refused to move, but he eventually stood up and allowed the officers to handcuff him (PO Roda did not see who handcuffed him). PO Roda stated that he never heard Sgt. Milmore threaten to use force against § 87(2)(b) nor did he hear him use any discourteous language towards anyone at the location. He did not hear Sgt. Milmore tell § 87(2)(b) “I can do whatever the fuck I want.”

Once § 87(2)(b) was handcuffed, PO Roda took him outside and placed him in an RMP. He did not reenter the apartment at any point on this date. Two other male NYPD officers arrived while PO Roda and Sgt. Milmore were inside § 87(2)(b) but PO Roda did not know who they were or exactly when they arrived. These officers transported PO Roda and § 87(2)(b) to the 47th Precinct stationhouse. Sgt. Milmore later told PO Roda that he found a silver firearm in a plastic bag on the floor about two feet from where § 87(2)(b) had been lying. However, PO Roda did not see the gun in the bedroom himself.

PO Roda never saw § 87(2)(b) in the 47th Precinct stationhouse, and he was not present when Sgt. Milmore interacted with her in the stationhouse. PO Roda returned to § 87(2)(b) two days later to let § 87(2)(b) know that the Bronx District Attorney’s office gave them approval to release her vehicle. He told her to come to the stationhouse to pick it up.

Subject Officer: SGT. MICHAEL MILMORE

- *D.O.B.: § 87(2)(b), white male, 6’1” tall, 240 pounds, brown hair, blue eyes.*
- *Sgt. Milmore worked from 5:26PM on January 22, 2009 until 2:10AM on January 23, 2009. He was in plainclothes and was working as the Anti-Crime supervisor for the 47th Precinct. He was working with PO Robert Roda, and was using unmarked RMP #§ 87(2)(e) which is a Ford Crown Victoria. Sgt. Milmore was operating the vehicle.*

Memo Book

Sgt. Milmore noted in his memo book (Encl.15A-B) that at 11:51PM on January 23, 2009, he observed a man with a gun on the northeast corner of 241st Street and Baychester Avenue. At 12:16AM, this male was arrested at § 87(2)(b) in Mount Vernon, New York.

CCRB Statement

Sgt. Michael Milmore was interviewed at the CCRB on April 23, 2009 (Encl. 16A-D). He stated that at approximately 12:00AM on January 23, 2009, he and PO Roda were stopped at a red light on the corner of Baychester Avenue and 241st Street when they observed a black male standing on the sidewalk in front of a bodega. Sgt. Milmore later identified this male as § 87(2)(b). Sgt. Milmore was about fifteen feet away from § 87(2)(b) and nothing was obstructing his view of him. The area was well-lit.

As Sgt. Milmore was observing him, § 87(2)(b) lifted his shirt, pulled a silver gun out of the waistband of his sweatpants and adjusted the gun back into his waistband. He then pulled his shirt back down over his waistband. The gun appeared to be hanging loose in § 87(2)(b) waistband.

After § 87(2)(b) entered his vehicle, Sgt. Milmore pulled up behind him and turned the lights and siren on in the RMP. § 87(2)(b) started his vehicle, put it into drive and took off at a high rate of speed. Sgt. Milmore followed him. § 87(2)(b) was driving through stop signs and traffic lights. PO Roda went over the radio and informed central that they were in the midst of a vehicle chase that looked like it might cross the boundary-line between New York City and Mount Vernon. Central relayed this information to the Mount Vernon police department.

Sgt. Milmore and PO Roda chased § 87(2)(b) for multiple blocks before they lost him. However, PO Roda was able to take down the license plate of § 87(2)(b)'s vehicle. The officers ran the plate number and obtained an address for the owner, which was § 87(2)(b) in Mount Vernon, New York. This address was only a block away from where the officers had lost § 87(2)(b).

Sgt. Milmore and PO Roda then drove to § 87(2)(b) and were met in front of the house by multiple Mount Vernon police officers. The car that they had been chasing was parked in the driveway and was unoccupied. Sgt. Milmore felt the hood of the car to make sure that the engine was still hot, and he looked through the window and saw that the brake pedal was still wet (it had been raining that day). The officers again ran the license plate and confirmed that it was the vehicle they had been chasing.

A uniformed Mount Vernon officer knocked on the door of the house, and a black female, later identified as § 87(2)(b) answered. § 87(2)(b) confirmed that the vehicle in the driveway was hers. Sgt. Milmore asked her if anyone had been driving it, and she said, "No." § 87(2)(b) told Sgt. Milmore that no one else was home with her. Sgt. Milmore stated that § 87(2)(b) was nervous and seemed afraid. He believed that the man with the gun was in the house, and he felt that she might be in danger. When Sgt. Milmore asked if he and the other officers could come inside the apartment and look to see that no one else was there, she told him they could. She then stepped out of the doorway, and Sgt. Milmore entered the apartment, followed by the rest of the officers.

Sgt. Milmore entered the front door and descended a set of stairs that led into the living area of the apartment. Once he descended the stairs, he saw a closet and a bedroom with the door partially opened. Sgt. Milmore slid the closet door open to make sure no one was inside the closet. After doing so, Sgt. Milmore heard noises coming from inside the bedroom. As he and the other officers approached the bedroom door, § 87(2)(b) stated, "No. Don't go in there. Nobody's in there." Sgt. Milmore still heard what sounded like a person rustling around inside the bedroom. He was afraid that § 87(2)(b) might have someone in the bedroom at gunpoint.

Sgt. Milmore approached the bedroom and pushed the door open all the way. A few Mount Vernon officers were standing next to Sgt. Milmore, and PO Roda was behind him. Once the door was open, Sgt. Milmore saw § 87(2)(b) hiding behind a mattress that was on the floor. His head was sticking out from behind the mattress. Sgt. Milmore recognized him to be the male he saw outside of the bodega adjusting the gun in his waistband. As soon as Sgt. Milmore saw § 87(2)(b) hiding, he drew his gun and pointed it at him. He is unsure if any of the other officers drew their guns because his focus was on § 87(2)(b).

From the doorway, Sgt. Milmore told § 87(2)(b) to stand up and show him his hands, and § 87(2)(b) complied. However, § 87(2)(b) initially refused to step out of the room, and told Sgt. Milmore, "You're going to have to shoot me to take me out of here." One of the Mount Vernon Emergency Service Unit officers who was standing next to Sgt. Milmore removed his taser gun from its holster and told § 87(2)(b) "I'm going to shoot you with this taser if you don't come out." § 87(2)(b) then walked out of the bedroom and was placed in handcuffs. Sgt. Milmore believes it was either him or PO Roda who placed the handcuffs on him.

Sgt. Milmore then entered the bedroom and found a blue plastic bag with a gun inside it right where § 87(2)(b) had been lying. It was a silver handgun, and looked like the one that he had

seen § 87(2)(b) adjusting in his waistband. After retrieving the gun, Sgt. Milmore did not search any other part of the house.

PO Roda and a uniformed NYPD officer transported § 87(2)(b) to the 47th Precinct stationhouse in an RMP. Another uniformed officer drove the RMP that Sgt. Milmore and PO Roda had been using back to the stationhouse, and Sgt. Milmore drove § 87(2)(b)'s vehicle to the stationhouse to be processed as evidence.

Sgt. Milmore denied telling § 87(2)(b) "I can do whatever the fuck I want," and denied stating, "If you don't tell me where he's at right now, I'm going to arrest you and take your car." He also denied saying, "You need to tell me where he's at now or I'll start shooting," and further denied threatening to use force against them at any point.

Sgt. Milmore interacted with § 87(2)(b) later that night at the 47th Precinct stationhouse. She was yelling and screaming that she wanted her car back. § 87(2)(b) was with someone else, but Sgt. Milmore did not recall who this was. Sgt. Milmore asked her to leave because she was yelling and making a scene. He told her that they could not return her car because it was taken as evidence and the Bronx District Attorney's office would have to release it to her when the officers were done with it. Sgt. Milmore stated that he did not talk to anyone else she was with, and stated that he did not use any discourteous language towards her in the stationhouse. Sgt. Milmore denied telling anyone in the stationhouse that § 87(2)(b) is a "fucking liar," or stating, "If you don't fucking like it, get the fuck out of my precinct. As a matter of fact, if you're not out of here in five minutes, I'm going to arrest your fucking ass." He stated that he never threatened to arrest § 87(2)(b) at any point. He just told her and her friend that they had to leave, and had officers escort her out of the stationhouse.

Witness Officer: SGT. AMANJEET SANDHU

- *D.O.B.: § 87(2)(b), Asian male, 6'1" tall, 172 pounds, black hair, brown eyes.*
- *Sgt. Sandhu worked from 11:05PM on January 22, 2009 until 8:02AM on January 23, 2009. He was dressed in uniform and was working as the desk sergeant for the tour.*

CCRB Statement

Sgt. Amanjeet Sandhu was interviewed at the CCRB on September 29, 2009 (Encl. 17A-B). Sgt. Sandhu did not have an independent recollection of this incident. He was given a brief description of what occurred, but it did not refresh his memory. He was shown the command log entries for the time surrounding this incident, including § 87(2)(b)'s arrest stamp, and he confirmed that the entries were in his handwriting. However, he did not recall making the entries, nor did he recall what was happening in the stationhouse at the time.

Sgt. Sandhu was shown the photographs of § 87(2)(b) and § 87(2)(b) that were taken at the time of their CCRB interviews, but he did not recognize them or recall interacting with them on the date of this incident. Sgt. Sandhu did not recall any officer using discourteous language towards anyone in the stationhouse on the date of incident, nor did he recall any officer threatening anyone with arrest.

Attempts to Interview Mount Vernon Police Officers

The undersigned investigator called the Mount Vernon Police Department Internal Affairs Division on July 10, 2009 and July 16, 2009 and left two messages indicating that I needed to identify and schedule interviews with Mount Vernon officers who witnessed this incident. Letters were also sent via certified mail to Capt. Edward Adinaro and Lt. Dante Barrera of the Mount Vernon Police Department. Lt. Kevin Mandell of the Mount Vernon Police Department called the CCRB on August 10, 2009 and stated he would identify the officers in question and would call the CCRB to schedule interviews. Lt. Mandell called the CCRB on August 12, 2009 and stated that he identified multiple witness officers and that he would call the CCRB again after he spoke with these officers and determined a convenient date to schedule interviews. The

undersigned investigator called Lt. Mandell three times between August 24, 2009 and September 22, 2009 and left messages each time. A letter was sent to Lt. Mandell via certified mail on October 6, 2009. As of the writing of this report, Lt. Mandell has not contacted the CCRB.

NYPD Documents

SPRINT Report Print-Out/Communications Recording

The SPRINT report print-out for this incident (Encl. 18A-C) indicates that an anti-crime unit from the 47th Precinct went over the radio at 11:51PM on January 22, 2009 stating that they were following a blue Volkswagen Jetta because of a firearm. The Mount Vernon Police Department was notified about this incident at 11:53PM. The anti-crime unit indicated that they followed the vehicle into the confines of Mount Vernon, NY, at 11:54PM. The anti-crime unit ran the license plate number and determined that the vehicle was registered at § 87(2)(b). They went over the air at 12:12AM indicating that they would meet Mount Vernon officers at this location. The anti-crime unit had one individual under arrest at the location at 12:18AM. The SPRINT report print-out also indicates that a patrol sergeant responded to the location, but it does not indicate when.

Command Log (Encl. 22A-22F)

§ 87(2)(b) arrest was stamped into the 47th Precinct command log at 12:30AM on January 23, 2009. There is no mention of § 87(2)(b) visit to the stationhouse in the command log.

Property Vouchers (Encl. 20A-E)

§ 87(2)(b) black Volkswagen Jetta (License Plate Number § 87(2)(b)) was vouchered as arrest evidence by PO Roda. The vehicle was taken from the driveway of § 87(2)(b) in Mount Vernon, NY at 12:10AM on January 23, 2009.

PO Roda also vouchered a blue plastic bag, a silver Bryco Arms semi-automatic pistol with a laser sight, a chambered round of P.A.C. ammunition, rounds of P.A.C. ammunition, an ammunition magazine and a CD containing pictures of firearms.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) with regard to this incident. As of the writing of this report, no 50-H hearing has been held or scheduled.

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilians' CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 3A)
- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 3B).
- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 3C).

Subject Officers' CCRB History

- PO Robert Roda has been a member of the service for four years and there are no substantiated CCRB allegations against him. (Encl. 2A).
- Sgt. Michael Milmore retired from service with the NYPD on July 26, 2009 (Encl. 27G). There were no substantiated CCRB allegations against him during his time with the NYPD (Encl. 2B-C).

Conclusion

Identification of Subject Officer

PO Roda provided both his and Sgt. Milmore's names to § 87(2)(b) when he returned to § 87(2)(b) in Mount Vernon, NY, a few days after this incident. Furthermore, both PO Roda and Sgt. Milmore acknowledged entering § 87(2)(b) on the date of this incident and placing § 87(2)(b) under arrest. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A- Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) at § 87(2)(b) in Mount Vernon, New York and inside the 47th Precinct stationhouse in the Bronx.

Allegation B- Abuse of Authority: Sergeant Michael Milmore entered and searched § 87(2)(b) in Mount Vernon, New York.

Sgt. Milmore retired from the service on July 26, 2009. § 87(2)(g)

Allegation C- Abuse of Authority: Police Officer Robert Roda entered § 87(2)(b) in Mount Vernon, New York.

It is undisputed that PO Roda entered § 87(2)(b) in Mount Vernon, NY, on the date of this incident. § 87(2)(b) indicated that only Sgt. Milmore and a Mount Vernon officer searched the apartment, and § 87(2)(b) was not sure if PO Roda participated in the search. § 87(2)(g)

According to Barry Kamins' *New York Search and Seizure*, "The police may enter premises without a warrant to search for a suspect who has fled after committing a crime" if they "have probable cause to believe that the suspect has committed a crime and that he has fled to the specific premises the police are entering" (Encl. 1A). Kamins further indicates that under certain circumstances, an officer can make "a warrantless entry to prevent the imminent use of dangerous weapons," (Encl. 1B).

Although the officers alleged that § 87(2)(b) gave them permission to enter her apartment, § 87(2)(b) denied doing so. § 87(2)(g)

It is undisputed that § 87(2)(b) subsequently led the officers on a high-speed vehicle chase when they attempted to stop his vehicle, § 87(2)(g)

The officers were able to obtain § 87(2)(b) address when they ran the vehicle's license plate, and when they arrived at the address minutes later, the vehicle was parked in the driveway. Prior to entering the apartment, the officers confirmed that the vehicle had the same license plate as the one they had been chasing, and they felt the vehicle to confirm the engine was still hot and had therefore just been used. § 87(2)(g)

Furthermore, Sgt. Milmore indicated that § 87(2)(b) seemed nervous and afraid when she answered her door. § 87(2)(g)

§ 87(2)(g)

Allegation D- Abuse of Authority: Sergeant Michael Milmore threatened to arrest § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.

Allegation E- Abuse of Authority: Sergeant Michael Milmore threatened to use force against § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.

Allegation F- Force: Sergeant Michael Milmore pointed his gun at § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.

Allegation G- Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) inside § 87(2)(b) in Mount Vernon, New York.

Allegation H- Discourtesy: Sergeant Michael Milmore spoke obscenely towards § 87(2)(b) inside the 47th Precinct stationhouse in the Bronx.

Allegation I: Sergeant Michael Milmore threatened to arrest § 87(2)(b)

and § 87(2)(b) inside the 47th Precinct stationhouse in the Bronx.

Sgt. Milmore retired from the service on July 26, 2009. § 87(2)(g)

Team: _____

:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date